TRANSLATION INTO ENGLISH OF:

O F F I C E   A C T I O N

Of   : August 27, 2004
Applicant   : Hewlett-Packard Co.
Application No. : 103 53 373.7-53

The numbers of the following references are cited in this Office Action for the first time and will be used consecutively throughout the examination proceedings:

1) DE 4002801 C1
2) WO 99/30401 A1
3) US 6476708 B1
4) "Transponder: Arten und Reichweiten",
   http://web.archive.org/web/20021115010650/http://www.nur-sicherheit.de/themen/zutrittskontrolle/identi.htm, as of November 15, 2002,
5) "Verfolgungsjagd durchs Autowerk", iee Automatisierung + Datentechnik, March 2002
6) "keyless entry", http://www.all-electronics.de/news4d4b4303e11.print.html, 09.01.2002

I.

The subject matter of the application concerns a memory tag ("Speicherkennung") supplied with power by a signal which is generated by a reader, and a reader.

The application is based on the task of providing a memory tag, a reader or a method with the aid of which prescribed restrictions with regard to a power radiated from radio transmitters can be observed more effectively.

The following subject matters

> ❖ a "memory tag"

> ❖ a "reader",

> ❖ a "method of operating a memory tag" and

> ❖ a "method of operating a reader"

are claimed independently in claims 1, 8, 13 as well as 15.

To begin with, reference must be made to the fact that the claims presently on file remain unclear as far as a repeatable technical teaching is concerned.

Claim 1 refers to a "memory tag", claim 8 to a "reader to read a memory tag", claim 13 to "a method of operating a memory tag" and claim 15 to a "method of operating a reader for reading a memory tag". The term "Speicherkennung" ("memory tag") is, from the Examiner's point of view, a special word coinage, which is not suitable for describing the nature of the claimed subject matters in an unequivocal manner. The term "Kennung" ("tag") normally stands for an identification of an object, process, or the like. Taking into account the context, the Examiner can only assume that the term "Speicherkennung" ("memory tag") is perhaps supposed to refer to a transponder.

In addition, claims 1, 4, 5 and 13 contain the text passages "... when the magnitude of the output signal is relatively low ..." and "... when the magnitude of the output signal is relatively high ...". From the Examiner's point of view, the expressions "relatively low" and "relatively high" are vague and keep the reader guessing about the respective features. What the applicant presumably wants to express is that the output signals should be below or above a certain threshold value. The same applies to the terms "... relatively low power" and "... relatively high power ..." in claims 8 and 15.

Furthermore, the Examiner is not able to understand what the applicant wants to express by the terms " ... moving to an operating mode ..." and "... the tag to move to an operating mode ..." in claims 1, 2, 13 and 14.

The formulation in claim 1 "... und wobei das Dektormodul ansprechend auf die Größe des Ausgangssignals ist, derart dass, ..." ("... the detector module being responsive to the magnitude of the output signal such that ...") is grammatically wrong and may lead to misunderstandings. What is apparently meant is "... wobei das Dektormodul auf die Größe des Ausgangssignals anspricht und zwar derart dass, ..." ("... the detector module responds to the magnitude of the output signal in such a way that ...").

It follows that claims 1, 8, 13 and 15 fail to be allowable – not least because of lack of a clear, repeatable teaching for technical activity. Claims 2 - 7, 9 – 12 and 14, which depend on claims 1, 8, 13 and 15 directly or indirectly, must be rejected together with the last-mentioned claims.

II.

With regard to claim 1, reference 1) has been ascertained. Taking into account the prior art known from said reference 1), the subject matter according to claim 1 lacks – as far as said subject matter is actually understandable - the novelty that is required for the grant of a patent.

Reference 1) discloses a transponder having, among other features, the following features:

- ❖ it comprises a resonant circuit part (10) (cf. reference 1, especially Fig. 1),
- ❖ it comprises a detector module (22) (cf. reference 1, especially the Abstract and Fig. 1, cf. "reception and evaluation unit"),
- ❖ it comprises an output generator module (28) (cf. reference 1, especially the Abstract and Fig.1, cf. "transmitting unit"),
- ❖ the resonant part generates an output signal in response to a reader signal from a reader (cf. reference 1, especially the Abstract and Fig. 1, cf. "interrogator"),
- ❖ the magnitude of the output signal depends on the magnitude of the reader signal (cf. reference 1, especially Fig. 1),
- ❖ an identifier signal is transmitted if the output signal is below a certain threshold value (cf. reference 1, especially the Abstract, cf. "identification data") and
- ❖ the operating mode of the transponder is changed if the output signal exceeds a certain threshold value (cf. reference 1, especially the Abstract, cf. "measurement data").

All the features of claim 1 can therefore be inferred from claim 1 of reference 1). It follows that the teaching according to claim 1 also fails to be patentable because of lack of novelty.

The same result is, by the way, also obtained when the additionally ascertained reference 2) is taken into account (cf. reference 2, especially page 3, lines 13 – 22).

Claim 8 concerns – as far as said claim is understandable – a reader for reading and describing a transponder. Such a reader is known from reference 3).

The reader known from reference 3) ("RF reader") comprises, among other features, the following features:

- ❖ a reader signal, whose power is below a certain threshold value, is transmitted to the transponder (cf. reference 3, especially column 2, lines 5 – 37),
- ❖ an identification signal of the transponder is received by the reader (cf. reference 3, especially column 2, lines 5 – 37), and
- ❖ a reader signal, whose power is above a certain threshold value, is transmitted to the transponder in response to the identification signal received (cf. reference 3, especially column 2, lines 5 – 37).

All the features of the subject matter according to claim 8 are therefore known from reference 3). It follows that the teaching claimed in claim 8 had already been part of the prior art before the relevant date which determines the time rank of the present patent application. Also the subject matter according to claim 8 is consequently no longer new. This is a further reason for the fact that claim 8 cannot be allowed.

Claim 13 concerns – as far as said claim is understandable – a method of operating a transponder. All the method steps of the teaching according to claim 13 correspond to features of claim 1. In order to avoid repetitions, reference is here only made to the above statements as well as to reference 1) (cf. reference 1), especially the Abstract and Fig. 1). It follows that also the teaching according to claim 13 also fails to be allowable because of lack of novelty.

The same applies to claim 15. This claim concerns – as far as it is actually understandable – a method of operating a reader. All the method steps of the teaching according to claim 15 correspond to features of claim 8. In order to avoid repetitions, reference is here again made to the above comments on claim 8 as well as to reference 3) (cf. reference 3, especially column 2, lines 5 – 37). It follows that the teaching according to claim 15 is known from the prior art ascertained.

III.

Subclaims 2-7, 9-12 and 14 only contain expedient embodiments of the subject matters according to claims 1, 8, 13 and 15, which are either obvious from the prior art or which are part of the average technical knowledge and ability of those skilled in the art.

The features according to claims 2, 7, 12 and 14 are known from reference 2):

- ❖ claim 2: possibility of connecting the memory to the resonant part (cf. reference 2, especially Fig. 1),
- ❖ claims 3 and 4: rectifying the output signal (cf. reference 2, especially page 3, lines 23 – 36 and page 5, line 7 to page 6, line 2),
- ❖ claims 7 and 12: inductive coupling of the reader and the transponder (cf. reference 2, especially Fig. 1) and
- ❖ claim 14: existence of memory operations (cf. reference 2, especially Fig. 1).

Furthermore, the features according to claims 9 – 11 can be gathered from reference 3):

- ❖ claim 9: the reader comprises a signal generator which supplies a drive signal to the resonant circuit part (cf. reference 3, especially the Abstract and Fig. 1) and
- ❖ claims 10 and 11: the identifier signal transmitted from the transponder is identified by the reader (cf. reference 3, especially the Abstract and Fig. 1).

Information on the features of claim 5 can be inferred from reference 1) (cf. reference 1, especially column 3, lines 40 – 60).

In addition, implementing a randomizer in a transponder had already been part of the average knowledge and ability before the relevant date determining the time rank of the present patent application. Information in this respect can be gathered from references 4) – 6) (cf. reference 4, especially page 5, paragraph 2; cf. reference 5, especially page 69, column 3; cf. reference 6, especially paragraph 3).

In view of the fact that it is also impossible to detect independent features which could substantiate the grant of a patent in subclaims 2 – 7, 9 – 12 and 14, it must be stated that the

respective features of the above-mentioned subclaims cannot represent any basis whatsoever for an allowable main claim. From the Examiner's point of view, a teaching combined from claims 1-7, 8-12 and 13-15 would, at least, fail to be inventive.

Since independent features which could substantiate the grant of a patent cannot even be seen when the rest of the application documents is assessed, the application cannot be expected to succeed. On the contrary, rejection of the application will have to be reckoned with.

IV.

If the applicant should nevertheless see some patentable feature or the other in his application, he is at liberty to direct a new, clear claim thereto, which comprises all the essential technical features that are necessary for solving the underlying overall task. In this case, it will have to be proved that new features incorporated into said claim are disclosed in the original documents, and it will be necessary to explain the technical character of said features as well as why these technical features had not been obvious for solving the problem in question.

On the basis of the documents presently on file, grant of the patent sought is not possible. On the contrary, rejection of the application will have to be reckoned with.

If the applicant does not intend to submit a reply in the present matter, the Examiner would be grateful to receive an informal acknowledgement of the receipt of this Office Action.

Patent Examiner for class G07C
Dr. M.Forkel

Encl.
copies of 6 references